

04-29-05

\$ DAC
yhw

ATTORNEY DOCKET

PATENT APPLICATION

068758.0179

10/797,937

1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Avinoam Rubinstein et al.
Serial No.: 10/797,937
Filing Date: March 11, 2004
Group Art Unit: 2661
Examiner: Unassigned
Title: **ETHERNET TRANSPORT OVER A
TELEPHONE LINE**

MAIL STOP - PETITIONS

ATTENTION: John J. Gillon, Jr., Senior Attorney
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV351284812US addressed to: Mail Stop - Petitions, Commissioner of Patents, Office, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2005.


Angela Loding

Dear Sir:

PETITION UNDER 37 C.F.R. § 1.47(a)

Pursuant to 37 C.F.R. §1.47(a), Applicants respectfully request the Commissioner to accept this petition to make application for patent on behalf of and as agent for one (1) inventor who cannot be reached, and hereby respectfully submit the following:

1. Shimon Peleg, Noam Alroy, Amnon Harpak and Boaz Porat, joint inventors of the above-mentioned application, have executed the Declaration and Power of Attorney document in support of the Notice to File Missing Parts of Application dated May 27, 2004. The remaining joint inventors, Avinoam Rubinstein and Yackov Sfadya, could not be reached.

2. After diligent effort and on November 8, 2004, Applicants filed Proof Under 37 CFR 1.47 of Diligent Effort to make application for patent on behalf of Avinoam Rubinstein and Yackov Sfadya, who could not be reached.

05/02/2005 JBALINAN 00000087 10797937

02 FC:1463 60.00 DA 140.00 DP

AUS01:377440.1

3. On February 2, 2005, a Dismissal of the Petition filed on November 8, 2004 was mailed to Applicants. A copy of the Petition Dismissal mailed February 2, 2005 is attached hereto as enclosure 13.

4. Applicants respectfully submit this renewal Petition Under 37 C.F.R. § 1.47(a) in response to the Dismissal of the Petition filed on November 8, 2004.

5. Applicants again submit the pertinent facts and documentary evidence in the Statement of Assignee submitted concurrently herewith, and which was previously submitted with the Petition filed November 8, 2004.

6. As a result of the Dismissal of the Petition filed November 8, 2004, additional communication was forwarded to Avinoam Rubinstain on March 17, 2005, by International Federal Express, transmitting an Assignment, Declaration and Power of Attorney, along with a copy of the entire application, description, claims and drawings as filed, with instructions to sign and return to BakerBotts L.L.P. no later than March 28, 2005. A copy of the same was also emailed to Mr. Rubinstain at Avinoam_Rubinstain@atrica.com, which Applicants believe is the current email address of Mr. Rubinstain. A response was never received from Mr. Rubinstain. (See enclosure 11).

7. The last known contact information for the Mr. Rubinstain:

Avinoam Rubinstain 744 Nachal Kisson Street Macabim 71908 ISRAEL
and
Avinoam Rubinstain Atrica Israel Ltd. 5 Shenkar Street, P.O.B. 12231 Hertzeiya Industrial Area 46733 ISRAEL Avinoam_Rubinstain@atrica.com

8. Communication was forwarded to Yackov Sfadya on March 17, 2005, by International Federal Express, transmitting an Assignment, Declaration and Power of Attorney, and copy of the entire application, description, claims and drawings as filed, with instructions to sign and return to BakerBotts L.L.P. no later than March 28, 2005. (See enclosure 12).

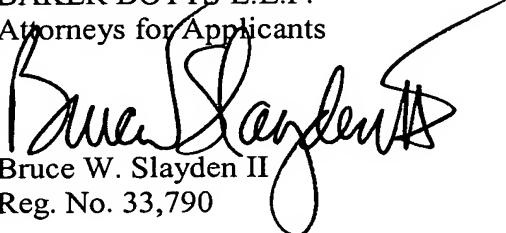
9. On March 27, 2005, Mr. Sfadya emailed Bruce Slayden II, Applicants Attorney of Record, stating he would sign and return the signed Declaration to Mr. Slayden. On April 11, 2005, Applicants received a signed Declaration from Mr. Sfadya. See enclosure 14 for the signed Declaration from inventor Yackov Sfadya.

Along with this Petition, Applicants respectfully submit a Petition for Extension of Time (One-Month), along with a check in the amount of \$130.00 for the required filing fee.

Applicants also enclosed a check in the amount of \$130.00 as provided by 37 C.F.R. § 1.17(h) for the filing of this Petition. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the Deposit Account No. 02-0383 of Baker Botts L.L.P.

It is respectfully requested that this Petition be granted.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants

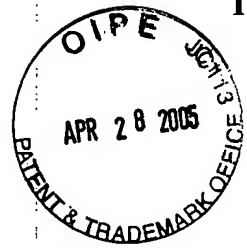

Bruce W. Slayden II
Reg. No. 33,790

Correspondence Address:

Customer No. **23640**
512.322.2606
512.322.8306 (Fax)

Date: 4/28/2005

Continuation in Part-US Patent Application No. 10/797,937 based on the
US Patent Application No. 09/322/062
Title: Ethernet transport over a telephone line



Statement

as to what we have done to get the signed documents Declaration and Power of Attorney and Assignment from the inventors Mr. Avinoam Rubinstain and Mr. Yackov Sfadya.

Our client Infineon Technologies AG advised us to transfer the rights on the US Patent Application No. 09/322,062 from 3COM Corporation and Savan to Infineon Technologies AG and to file a Continuation in Part US Patent Application based on the US Patent Application No. 09/322,062. For the transfer of rights we needed the signatures of the inventors since the inventors never signed an Assignment to transfer their rights to 3COM Corporation and Savan.

The following steps have been taken to get the executed Assignment form Mr. Sfadya and Mr. Rubinstain for the transfer of rights on the US Patent Application No. 09/322,062:

- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on December 9, 2004 with reference to US Patent Application No. 09/322,062, whether the inventors Mr. Sfadya and Mr. Rubinstain are still employees of 3COM Corporation.
(see enclosure 1, paragraph 5)
- E-mail from Mr. Moosrainer from Infineon Technologies AG dated December 11, 2003 sending us the addresses of the two inventors and the e-mail address form Mr. Sfadya. Mr. Moosrainer received this information from 3COM Corporation.
(see enclosure 2)
- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on February 27, 2004 informing us that Mr. Rubinstain and Mr. Sfadya are no more employees of 3COM Corporation and providing us with the information as available 3COM Corporation and Infineon Technologies AG have, we received with the e-mail dated December 22, 2003
(see enclosure 3)

On March 1, 2004 we advised Baker & Botts LL.P. to file a Continuation in Part US Patent Application with USPTO which is based on the US Patent Application No. 09/322,062. This CIP-Patent Application received the serial number 10/797,937.

The following steps have been taken to get the signed Declaration and Power of Attorney and Assignment of the inventors Mr. Yackov Sfadya and Mr. Avinoam Rubinstain:

- We sent a registered letter to Mr. Rubinstain and Mr. Sfadya on March 29, 2004 to the addresses which we received from Mr. Moosrainer from Infineon Technologies AG with his e-mail dated December 22, 2003
(see enclosure 4a and 4b and enclosure 2)
- We sent registered reminder letters dated May 25, 2004 of our letters dated March 29, 2004 to Mr. Sfadya and Mr. Rubinstain
(see enclosure 5a and 5b)
- Telephone conversation with Mr. Moosrainer from Infineon Technologies AG on July 12, 2004 to inform Infineon that we are not able to get the signatures of Mr. Rubinstain and Mr. Sfadya and to ask him if he has new information about the addresses of Mr. Rubinstain and Mr. Sfadya.
(see enclosure 6)
- E-mail dated July 19, 2004 from Mr. Moosrainer from Infineon Technologies AG sending us the e-mail address from his contact person from 3COM Corporation Mr. Ori Pahlavan.
(see enclosure 7)
- Our e-mail dated August 3, 2004 to the 3COM contact person Mr. Ori Pahlavan.
(see enclosure 8)
- Response e-mail dated August 4, 2004 from Mr. Pahlavan. He sent us the known addresses and an e-mail address form Mr. Sfadya.
(see enclosure 9)
- Our e-mail to Mr. Sfadya dated August 5, 2004.
(see enclosure 10)

We never received any response from Mr. Sfadya and Mr. Rubinstain.

Munich, October 26, 2004


Glyndwr Charles

Aktennotiz

zur Akte S2230

aja/GC

Datum: 9. Dezember 2003

Telefonat mit Herrn Moosrainer von Infineon um 13 Uhr 30

- Habe nachgefragt, ob aus seinen Akten zu ersehen ist, ob jemals ein Assignment bezüglich der Übertragung der Rechte der Erfinder auf 3COM eingereicht wurde.
- Laut seiner Akte wurde wohl tatsächlich nie ein Assignment eingereicht, weder von der Erfindern auf 3COM, noch von 3COM auf Infineon.
- Außerdem seien die Erfinder Harpak, Porat, Peleg und Alroy Savan –Erfinder. Das heißtst an dieser Anmeldung ist nicht nur 3COM beteiligt, sonder auch Savan.
- Allerdings gelten als Anmelder die Erfinder Rubinstain, Sfadya, Peleg, Alroy, Porat und Harpak, da die Rechte nie auf 3COM oder Savan übertragen wurden.
- Herr Moosrainer fragt nun bei 3COM nach, ob die Erfinder Rubinstain und Sfadya jemals Arbeitnehmer von 3COM waren oder noch sind.
- Sobald wir die Information haben, werden wir an die US-vertreter Baker Botts schreiben und ihm die Situation schildern, damit er entscheiden kann, wer nach gültigem US-Recht auf wen übertragen muss und damit er uns die notwendigen Übertragungsformulare übersendet.

aja

Reinhard, Skuhra, Weise & Partner GbR

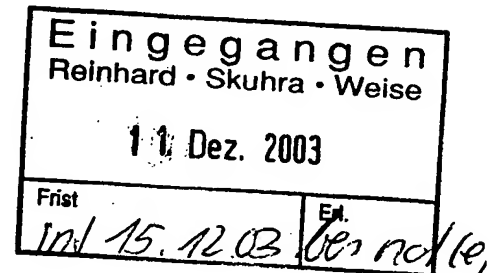
52230/6C

Von: <Peter.Moosrainer@infineon.com>
An: <Gesa.Ajayi@isarpatent.com>
Gesendet: Donnerstag, 11. Dezember 2003 13:18
Betreff: WG: US Patent Application No. 09/322,062 transferred to Infineon Technologies AG

Hallo Frau Ajayi,
Anbei die Adressen der beiden 3COM Erfinder.

Könnten Sie mich bitte kurz anrufen, damit wir das weitere Vorgehen
absprechen koennten.

Gruss
Moosrainer



-----Ursprüngliche Nachricht-----

Von: Patent_IDF@3com.com [mailto:Patent_IDF@3com.com]
Gesendet: Donnerstag, 11. Dezember 2003 00:18
An: Peter.Moosrainer@infineon.com
Cc: Patent_IDF@3com.com
Betreff: Fw: US Patent Application No. 09/322,062 transferred to Infineon Technologies AG

Peter:

The last information we have for these two inventors:

Rubinstain, Avinoam
744 Nachal Kisson St.
Macabim, Israel 71908

Sfadya, Yackov
3/6 Sigalit St.
Kfar-Saba
Israel

email: YakiS@m-sys.com

Regards,
Ori Pahlavan

----- Forwarded by Patent IDF/F/HQ/3Com on 12/10/2003 03:10
PM -----

Laurie Mintz/HQ/3Com
12/10/2003 02:56 PM

11.12.03

Sent by: Laurie Mintz - Director of Intellectual Property Program,
Legal

To: Patent IDF/F/HQ/3Com@3Com
cc: Peter.Moosrainer@infineon.com
Subject: Fw: US Patent Application No. 09/322,062 transferred to
Infineon Technologies AG

Ori - Would you please get Peter the info he needs? I assume these are past employees of 3Com, but we may have their addresses in Israel. Thanks.

Laurie

----- Forwarded by Laurie Mintz/HQ/3Com on 12/10/2003 02:51
PM -----

Peter.Moosrainer@infineon.com on 12/10/2003 08:36:47 AM

Sent by: Peter.Moosrainer@infineon.com

To: Laurie Mintz/HQ/3Com
cc:
Subject: US Patent Application No. 09/322,062 transferred to Infineon
Technologies AG

Dear Laurie,
For the above mentioned patent application are Rubinstain Avinoam and Sfadya Yackov co-inventors. Please could you check if this two inventors are employees of 3COM. If yes have you the address of this inventors so that some documents could send to this persons.

Thank you very much for your help in this case.

Yours
Peter Moosrainer
Infineon Technologies AG

US-Patent Appl. No. 09/322,062

Encl. 3

Our ref: S2230

Baker Botts ref: 068758.0132

Gesprächs-Notiz

Datum		27.2.01
mit	Uhrzeit	
Firma	Persönlich	
Straße	eigener Anruf	
Ort	fremder Anruf	
Telefon/Telefax	S 2230	
E-Mail		

Betreff:

- Das Schutzrecht wurde erworben, d.h. 3Com existiert noch als eigenständige Firma
- Ent. Stadya + Rulmstaus sind viel mehr über 3Com
- wir können die Ent. & von 3Com nicht ansprechen
- 3Com weiß nicht mehr als in dem e-mail vom 11.12. steht

ga

Zeichen:

erledigt:

Encl. 4a

PATENTANWÄLTE
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Registered
Sfadya, Yackov
Sigalit Street 3/6
44414 Kfar Saba
Israel

Dr. rer.nat. Horst REINHARD (1998)
Dipl.-Ing. Udo SKUHRA
Dipl.-Ing. Reinhard WEISE
Dr. rer.nat. Werner BEHNISCH
Dr. rer.nat. Stephan BARTH
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES
Wolfgang SANDMANN, M.P.H.
Dipl.-Ing. Oliver HASSA
Dipl.-Ing. Jürgen METZLER*

FRIEDRICHSTR. 31 * MOHRENSTR. 20
D-80801 MÜNCHEN D-96450 COBURG
P.O. BOX 440151 Tel. +49-9561-871538
D-80750 MÜNCHEN Fax. +49-9561-871539
Tel. +49-89-3816100
Fax. +49-89-3401479

Ihr Zeichen/your ref.

Unser Zeichen/our ref.

S2388 GC/aja

München/Munich

March 29, 2004

**US-Continuation in Part Patent Application based on
US-Patent Application No. 09/322,062
Applicant: Infineon Technologies AG
Title: Ethernet transport over a telephone line**

Dr. Mr. Sfadya:

Please find enclosed the forms "Declaration and Power of Attorney" and "Assignment" requested by the US-Patent Office.

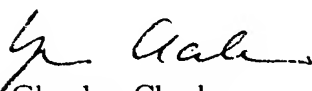
We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

April 20, 2004.

If there are any further questions please do not hesitate to contact us.

Very truly yours


Glyndwr Charles
Patent Attorney

Enclosure:
Declaration and Power of Attorney
Assignment
Information Sheet

Encl 4b

PATENTANWÄLTE
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Registered
Avinoam Rubinstain
Nachal Kisson Street 744
71908 Maccabim
Israel

Dr. rer.nat. Horst REINHARD (-1398)
Dipl.-Ing. Udo SKUHRA
Dipl.-Ing. Reinhard WEISE
Dr. rer.nat. Werner BEHNISCH
Dr. rer.nat. Stephan BARTH
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES
Wolfgang SANDMANN, M.P.H.
Dipl.-Ing. Oliver HASSA
Dipl.-Ing. Jürgen METZLER*

FRIEDRICHSTR. 31 * MOHRENSTR. 20
D-80801 MÜNCHEN D-96450 COBURG
P.O. BOX 440151 Tel. +49-9561-871538
D-80750 MÜNCHEN Fax. +49-9561-871539
Tel. +49-89-3816100
Fax. +49-89-3401479

Ihr Zeichen/your ref.

Unser Zeichen/our ref.

München/Munich

S2388 GC/aja

~~March 29, 2004~~

**US-Continuation in Part Patent Application based on
US-Patent Application No. 09/322,062
Applicant: Infineon Technologies AG
Title: Ethernet transport over a telephone line**

Dear Mr. Rubinstain:

Please find enclosed the forms "Declaration and Power of Attorney" and "Assignment" requested by the US-Patent Office.

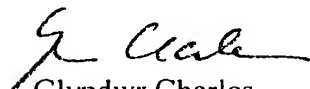
We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

April 20, 2004.

If there are any further questions please do not hesitate to contact us.

Very truly yours


Glyndwr Charles
Patent Attorney

Enclosure:
Declaration and Power of Attorney
Assignment
Information Sheet

Einfieferungsdatum:

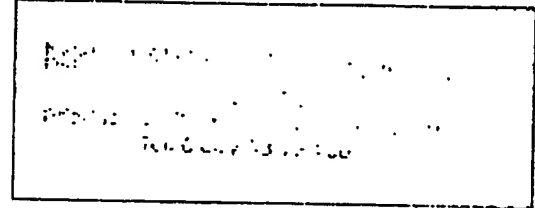
~~31.03.04~~ 



Kundennummer:

5024292468



Teilnahmenummer:

Firmenstempel



<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl 4
National Bitte nur eine Auswahl! <input checked="" type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL	 09 3318 9536 4 DE	
		bis: letzten Barcode einkleben	
		 09 3318 9539 5 DE	

4 02177 003151

<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl 8
National Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input checked="" type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL	 09 3318 9540 4 DE	
		bis: letzten Barcode einkleben	
		 09 3318 9547 0 DE	

<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl
National Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL		
		bis: letzten Barcode einkleben	

Gesamtanzahl eingelieferter Sendungen:	12
--	----

Beitrag zur Entwicklung der Postleistungen National und International

Lfd. Nr.	Empfänger	PLZ	Ort	Sendungsnummer einkleben
1	Compagnie Porteur W 4088	85630	Neukirchen	09 3318 9536 4DE
2	Ingenieur S 2722	80506	München	09 3318 9537 8DE
3	Kopp AG P 46813 P 13139	63793	Kahl am Main	09 3318 9538 1DE
4	Medice A 0949-16	58634	Haselünne	09 3318 9539 5DE
5	CHAE & SONG W 9512	135-717	Seoul Korea	09 3318 9540 4DE
6	Ingenieur Techn. Service S 2388 (xx)	42504	Netanya Israel	09 3318 9541 8DE
7	Noam Alroy S 2388	60920	Wadiat Israel	09 3318 9542 1DE
8	Avinoam Rubinstein S 2388	71900	Mecca bin Israel	09 3318 9543 5DE
9	Sofiya Yackov S 2388	44414	Kfar Saba Israel	09 3318 9544 9DE
10	Mura kami P 14657	531-0074	Osaka Japan	09 3318 9545 2DE
11	Jan Kins S 2964	27707	Dresden u.s.g.	09 3318 9546 6DE
12	Baker & Sotip S 2707	70000	Hannover	09 3318 9547 0DE
13	Deutsche Post AG			
14				
15				
16				
17				
18				
19				
20				
21				
22				

Encl. 59

PATENTANWÄLTE
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Registered
Sfadya, Yackov
Sigalit Street 3/6
44414 Kfar Saba
Israel

**URGENT
Reminder**

Dr. rer. nat. Horst REINHARDT (1933)
Dipl.-Ing. Udo SKUHRA
Dipl.-Ing. Reinhard WEISE
Dr. rer. nat. Werner BEHNISCH
Dr. rer. nat. Stephan BARTH
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES
Wolfgang SANDMANN, M.P.H.
Dipl.-Ing. Oliver HASSA
Dipl.-Ing. Jürgen METZLER*

FRIEDRICHSTR. 31 * MOHRENSTR. 20
D-80801 MÜNCHEN D-96450 COBURG
P.O. BOX 440151 Tel. +49-9561-871538
D-80750 MÜNCHEN Fax +49-9561-871539
Tel. +49-89-3816100
Fax. +49-89-3401479

Ihr Zeichen/your ref.

Unser Zeichen/our ref.

S2388 GC/aja

München/Munich

~~March 20, 2004~~

May 25, 04

**US-Continuation in Part Patent Application based on
US-Patent Application No. 09/322,062
Applicant: Infineon Technologies AG
Title: Ethernet transport over a telephone line**

Dr. Mr. Sfadya:

Please find enclosed the forms "Declaration and Power of Attorney" and "Assignment" requested by the US-Patent Office.

We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

April 20, 2004.



If there are any further questions please do not hesitate to contact us.

Very truly yours

Glyndwr Charles
Patent Attorney

Enclosure:
Declaration and Power of Attorney
Assignment
Information Sheet

PATENTANWÄLTE
EUROPEAN PATENT AND TRADEMARK ATTORNEYS

Encl. 5b

Registered
Avinoam Rubinstain
Nachal Kisson Street 744
71908 Maccabim
Israel

URGENT
Reminder

Dr. rer. nat. Horst REINHARD (1956)
Dipl.-Ing. Udo SKUHRA
Dipl.-Ing. Reinhard WEISE
Dr. rer. nat. Werner BEHNISCH
Dr. rer. nat. Stephan BARTH
Dipl.-Ing. Dipl.-Ing. Glyn CHARLES
Wolfgang SANDMANN, M.P.H.
Dipl.-Ing. Oliver HASSA
Dipl.-Ing. Jürgen METZLER*

FRIEDRICHSTR. 31 * MOHRENSTR. 20
D-80801 MÜNCHEN D-96450 COBURG
P.O. BOX 440151 Tel. +49-9561-971538
D-80750 MÜNCHEN Fax. +49-9561-971538
Tel. +49-89-3816100
Fax. +49-89-3401479

Ihre Zeichen/Vorname

Unser Zeichen/Vorname

S2388 GC/aja

München/Munich
March 29, 2004

US-Continuation in Part Patent Application based on
US-Patent Application No. 09/322,062
Applicant: Infineon Technologies AG
Title: Ethernet transport over a telephone line

May 25, 04

Dear Mr. Rubinstain:

Please find enclosed the forms "Declaration and Power of Attorney" and "Assignment" requested by the US-Patent Office.

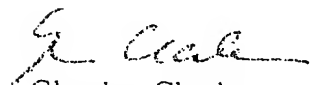
We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

April 20, 2004.

If there are any further questions please do not hesitate to contact us.

Very truly yours


Glyndwr Charles
Patent Attorney

Enclosure:
Declaration and Power of Attorney
Assignment
Information Sheet

Einfuhrungsdatum:

~~27.05.84~~ ←



Kundennummer:

5024292468


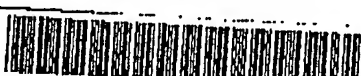
Teilnahmenummer:

Firmenstempel

COOP ...
Friedrichstraße 107 D-10001 Berlin
Tel. (030) 14 10 100

<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl 7
National Bitte nur eine Auswahl! <input checked="" type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL	 09 3318 9925 5 DE	
		bis: letzten Barcode einkleben	
		 09 3318 9931 8 DE	

4 021777 003151

<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl 6
National Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input checked="" type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL	 09 3318 9932 1 DE	
		bis: letzten Barcode einkleben	
		 09 3318 9937 0 DE	

<input type="checkbox"/> EINSCHREIBEN EINWURF NATIONAL		von: ersten Barcode einkleben	Anzahl
National Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> NACHNAHME Mehrfachauswahl möglich <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN	International Bitte nur eine Auswahl! <input type="checkbox"/> EINSCHREIBEN <input type="checkbox"/> EINSCHREIBPÄCKCHEN Mehrfachauswahl möglich <input type="checkbox"/> NACHNAHME <input type="checkbox"/> EIGENHÄNDIG <input type="checkbox"/> RÜCKSCHEIN <input type="checkbox"/> EIL INTERNATIONAL		
		bis: letzten Barcode einkleben	

Gesamtanzahl eingelieferter Sendungen:	
--	--

**Quittung
Briefzusatzleistungen National und International**

Kundennummer: 5024292468

Lfd. Nr.	Empfänger	PLZ	Ort	Sendungsnummer einkleben
1	Impfmann S 1777 / S 1867 S 2179 / S 1835 / S 2444	80506	München	09 3318 9925 5DE
2	Omya GmbH W 6472	50944	Köln	09 3318 9926 4DE
3	Mende Gure W 9683	96450	Coburg	09 3318 9927 8DE
4	Kapp, H. St. Ulrich P 17238	63793	Kahl am Main	09 3318 9928 1DE
5	Kapp, H. Fleckenstein P 14281	63793	Kahl am Main	09 3318 9929 5DE
6	Wöhner P 17223	96466	Reichental	09 3318 9930 4DE
7	Bundespost, W 9459 / W 9256 Gülich W 8626	87549	München	09 3318 9931 8DE
8	Studio Zegna Jacobucci P 17068	10152	Torino, IT	09 3318 9932 1DE
9	Avinoam S 2230 Rubinstein S 2388	71908	Maalabin Israel	09 3318 9933 5DE
10	Chae E Song P 13435	737- 717	Seoul, KR	09 3318 9934 9DE
11	Safadiya, S 2230 Yachou S 2388	44414	Kfar Saba Israel	09 3318 9935 2DE
12	China Science S 3107	100083	Beijing, CN	09 3318 9936 6DE
13	Wengert P 11403	02107	Boston, USA	09 3318 9937 0DE
14		Deutsche Post AG 80802 München		
15				Gesamt
16				Einschreiben national
17				Einschreiben international
18				Anzahl
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
49				
50				
51				
52				
53				
54				
55				
56				
57				
58				
59				
60				
61				
62				
63				
64				
65				
66				
67				
68				
69				
70				
71				
72				
73				
74				
75				
76				
77				
78				
79				
80				
81				
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				
96				
97				
98				
99				
100				

80801 München

Reinhard, Skuhra, Weise & Partner
Friedrichstr. 31

USNR: 5576
Blatt: 1 / 1

Identicode

Einschreiben national

Einschreiben international

Von: 09 3318 9932
bis: 09 3318 9937 0DE

Von: 09 3318 9925
bis: 09 3318 9931 8DE

Encl. 6

10	11	12	1	2	Datum
9	Uhrzeit				3
8	7	6	5	4	

12.7.04

Telefonnotiz

An _____
Anruf von Anruf bei

☐ ruft wieder an am / um H. Moosrainer
☐ bittet um Kontakt @ Nr. _____

• wir können die Unterschriften von Jadya und Rubinschah nicht bekommen.

Hat er neue Informationen?

g/c

Telefonnotiz 1019

Aufgenommen von: _____

Erledigt durch	_____	Datum	_____
<input type="checkbox"/> Anruf	_____	Zchn.	_____
<input type="checkbox"/> Brief	_____		
<input type="checkbox"/> Besuch	_____		

20. Juli 2004

Frist

Erl.

Von: <Peter.Moosrainer@infineon.com>

An: <rsw@isarpatent.com>

Gesendet: Montag, 19. Juli 2004 17:45

Betreff: WG: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

Encl. 7

Bitte dieses e-mail an Frau Ajay weiterleiten (hoffe, ich habe das richtig geschrieben. Ansonsten Schande über mich. Schäme mich auch.)

Bin leider nicht mehr dazugekommen vor meinem Urlaub bei 3Com nachzufragen wegen der Erfinder. Können Sie bitte selbst bei Ori nachfragen. Er ist nett und hilfbereit. War mein letzter Kontakt bei 3Com.

Sorry für die Umstände.

Gruß

Moosrainer Peter

P.S. Wünsche ein frohes schaffen in den nächsten 3 Wochen.

-----Ursprüngliche Nachricht-----

Von: Moosrainer Peter (IC PA PJ)

Gesendet: Montag, 21. Juni 2004 13:49

An: Ori_Pahlavan@3com.com

Betreff: AW: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

contact person

~~Dear Ori,~~

~~thank you very much for your help. We have received the signed assignment. But we have one problem. It was signed from a witness. We assume that the name should be~~

~~Linda ?? Thomasino.~~

~~Please could you inform me of the complete name of Ms Thomasino.~~

~~Thank you for your help~~

~~Yours~~

~~Peter~~

-----Ursprüngliche Nachricht-----

Von: Moosrainer Peter (CPC IC PA PJ)

Gesendet: Mittwoch, 21. April 2004 09:39

An: 'Ori_Pahlavan@3com.com'

Betreff: AW: 1228.NCD.CA.P -- Assignment to Infineon [Fw: WG: Message received fromUnknownFaxMachine on 4/16/2004 at 8:14:51 AM.]

Dear Ori,

thank you for your e-mail. I have checked this case and found out that the canadian patent application was filed with the old address of 3Com. Under this circumstances I assume that we should use the old address of 3Com for the assignment.

Please could you inform me if you agree with this.

Thank you very much for your assistance in this case.

Yours

Peter Moosrainer

-----Ursprüngliche Nachricht-----

Von: Ori_Pahlavan@3com.com [mailto:Ori_Pahlavan@3com.com]

Gesendet: Samstag, 17. April 2004 02:43

An: Moosrainer Peter (CPC IC PA PJ)

Cc: Laurie_Mintz@3com.com; Patent_IDE@3com.com

20.07.04

Gesa Ajayi

Von: "Gesa Ajayi" <Gesa.Ajayi@isarpatent.com>
An: <ori_pahlavan@3com.com>
Gesendet: ~~Dienstag, 3. August 2004 16:10~~
Betreff: AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference Nos. 20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja / S2230 GC/aja

US-Patent Application No. 09/322,062
US-Continuation-in-Part Application No. 10/797,937

Dear Mr. Pahlavan:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Peter Moosrainer from Infineon Technologies AG gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application NO. 09/322,062.

Now it is necessary to file an Assignment which is executed by the inventors with the US-Patent Office in both cases. Two of the inventors (Mr. Aviram Rubinstain and Mr. Yackov Sfadya) were employees of 3Com Cooperation. Since until now we could not get the executed Assignments from Mr. Rubinstain and Mr. Sfadya we believe that the addresses on file are not correct.

We would like to ask you to advise us about the correct addresses, telephone/faxnumbers or e-mail addresses of Mr. Rubinstain and Mr. Sfadya if available.

Thank you very much for your cooperation in this matter.

Best Regards

by order. Gesa Ajayi
Glyndwr Charles
Patent Attorney

Patent Attorneys
Reinhard Skuhra Weise & Partners GbR
Friedrichstraße 31 - 80801 München, DE
Postfach 44 01 51 - 80750 München, DE
Tel: 0049-89-38 16 100
Fax: 0049-89-340 14 79
e-mail: RSW@isarpatent.com

Reinhard, Skuhra, Weise & Partner GbR

Eingegangen Reinhard • Skuhra • Weise	
04. Aug. 2004	
Frist	Erl.

Von: <Patent_IDF@3com.com>
An: <gesa.ajayi@isarpatent.com>
Cc: <Patent_IDF@3com.com> <Laurie_Mintz@3com.com>
Gesendet: Mittwoch, 4. August 2004 00:22
Einfügen: C.htm
Betreff: 1669.NCD.US.P – Inventor's Contact Information [Fw: AW:1228.NCD.CA.P–Assignment to Infineon /Infineon Reference Nos. 20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja / S2230 GC/aja]

Dear Gesa Ajayi:

Thank you for your email. The last contact information we have for these inventors:

Avinoam Rubinstain
744 Nachal Kisson St.
Macabim, Israel 71908
972-8-9264518

Yackov Sfadya
3/6 Sigalit St.
Kfar-Saba, Israel
YakiS@m-sys.com

Sincerely,
The Patent Group

----- Forwarded by Patent IDF/F/HQ/3Com on 08/03/2004
03:19 PM -----

Ori Pahlavan/HQ/3Com
08/03/2004 03:11 PM

Sent by: Ori Pahlavan - Patent Paralegal, Legal Department:
408.326.5326 (W) ; 408.326.6434 (F)

To: Patent IDF/F/HQ/3Com@3Com

cc:

Subject: 1669.NCD.US.P -- Inventor's Contact Information [Fw:
AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference Nos.
20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja / S2230
GC/aja]

04.08.04

----- Forwarded by Ori Pahlavan/HQ/3Com on 08/03_04
03:14 PM -----

"Gesa Ajayi" <Gesa.Ajayi@isarpatent.com> on 08/03/2004 07:10:25 AM

Sent by: "Gesa Ajayi" <Gesa.Ajayi@isarpatent.com>

To: Ori Pahlavan/HQ/3Com@3Com

cc:

Subject: AW:1228.NCD.CA.P--Assignment to Infineon /Infineon Reference
Nos. 20022P50186 US / 20022P50186 USCIP /our cases: S2388 GC/aja /
S2230 GC/aja

US-Patent Application No. 09/322,062
US-Continuation-in-Part Application No. 10/797,937

Dear Mr. Pahlavan:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Peter Moosrainer from Infineon Technologies AG gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application NO. 09/322,062.

Now it is necessary to file an Assignment which is executed by the inventors with the US-Patent Office in both cases. Two of the inventors (Mr. Aviram Rubinstain and Mr. Yackov Sfadya) were employees of 3Com Cooperation. Since until now we could not get the executed Assignments from Mr. Rubinstain and Mr. Sfadya we believe that the addresses on file are not correct.

We would like to ask you to advise us about the correct addresses, telephone/faxnumbers or e-mail addresses of Mr. Rubinstain and Mr. Sfadya if available.

Thank you very much for your cooperation in this matter.

Best Regards

by order. Gesa Ajayi
Glyndwr Charles
Patent Attorney

Patent Attorneys
Reinhard Skuhra Weise & Partners GbR
Friedrichstraße 31 - 80801 München, DE

04.08.04

Postfach 44 01 51 - 80750 München, DE
Tel: 0049-89-38 16 100
Fax: 0049-89-340 14 79
e-mail: RSW@isarpatent.com

(See attached file: C.htm)

Von: "Gesa Ajayi" <Gesa.Ajayi@lsarpatent.com>
An: <yakiS@m-sys.com>
Gesendet: Donnerstag, 5. August 2004 11:01
Einfügen: 10_797_937Declaration.PDF; 10_797_937Assignment.PDF; 09_322_062Assignment.PDF
Betreff: US-CIP- Application No. 10/797,937 (S2388 GC/aja) and US-Patent Application No. 09/322,062 (S2230 GC/aja)

**US-Continuation in Part Patent Application No. 10/797,937 based on US-Patent Application No. 09/322,062 and
US-Patent Application No. 09/322,062
Applicant: Infineon Technologies AG
Title: Ethernet transport over a telephone line**

Dr. Mr. Sfadya:

We are writing as the representatives of the above-mentioned US-Patent Applications.

Mr. Ori Pahlavan from 3Com Corporation gave us your e-mail-address.

The rights on the US-Patent Application No. 09/322,062 should be transferred from 3COMCooperation and Savan Communications Ltd. to Infineon Technologies AG. The US-CIP-Patent Application No. 10/797,937 is a Continuation-in-Part-Application to the US-Patent Application No. 09/322,062. The inventors of 3 Com Corporation of the US-Patent Application No. 09/322,062 are you and Mr. Avinoam Rubinstain.

Now it is necessary to file the forms "Declaration and Power of Attorney" and "Assignment" (in US-Patent Application No. 09/322,062) and an "Assignment" (in US-Patent Application No. 10/797,937) with the US-Patent Office. These forms have to be signed by all inventors of the applications.

We would like to ask you to sign and date these forms as indicated. Please note that the "Assignment" has to be also signed and dated by two witnesses.

Please return the original forms until

September 3, 2004.

Furthermore we would like to ask you if you have any information (address, e-mail or facsimile) from your co-inventor Mr. Rubinstain. Since until now we could not get any action from Mr. Rubinstain we believe that the addresses on file are not correct. Please inform us if you have any idea how to reach Mr. Rubinstain.

If there are any further questions please do not hesitate to contact us.

Thank you very much for your cooperation in this matter.

Very truly yours

by order: Gesa Ajayi
Glyndwr Charles
Patent Attorney

Enclosure:
Declaration and Power of Attorney
Assignment for US-Application No. 09/322,062
Assignment for US-CIP-Application No. 10/797,937
Information Sheet

Patent Attorneys
Reinhard Skuhra Weise & Partner GbR

**Information with respect to:
"Declaration and Power of Attorney", "Assignment" and
"Information Disclosure Statement (IDS)"**

Execution Documents: "Declaration and Power of Attorney" and "Assignment"

For the present US-Patent application Priority of a German patent application has been claimed. The right of the invention underlying this US-patent application has been transferred to Infineon Technologies AG by claiming a service invention pursuant to §§ 6 and 7 German Act on Employees/Inventors (Arbeitnehmererfindergesetz) or by an agreement between both parties.

According to US-Patent Law only the inventor/s is/are allowed to file a US-patent for his/their invention. That means that in the U.S.A. only the inventor/s is/are accepted as applicant/s.

By signing the documents "Declaration and Power of Attorney" (also "Declaration for Utility or Design Patent Application") the inventor/s declare(s):

- that he/they is/are the only/s inventor/s of the present invention,
- that the inventor/s agree(s) with the wording of the application as filed,
- that a priority of a foreign application is claimed,
- that the inventor/s is/are informed that he/they is/are obliged to communicate every relevant shown state of the art which comes to his/their attention so that it can be included in the "Information Disclosure Statement (IDS)".

In the "Declaration and Power of Attorney" the US-Patent Attorney is further authorized to act for the applicant/s before the US-Patent Office.

In the "Assignment" the right for the US-Patent application is transferred from the inventor/s to Infineon Technologies AG.

Information Disclosure Statement (IDS):

According to the US-Patent Law the applicant is obliged to provide the US-Patent Office with every state of the art which comes to his attention.

For further information please do not hesitate to contact us.

BAKER BOTTS LLP

1500 SAN JACINTO CENTER
98 SAN JACINTO BLVD.
AUSTIN, TEXAS
78701-4287
512.322.2500
FAX 512.322.2501

AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTON

March 17, 2005

VIA FEDEX

Bruce W. Slayden II
512.322.2606
FAX 512.322.8306
bruce.slayden@bakerbotts.com

Mr. Avinoam Rubinstein
744 Nachal Kisson Street
Macabim 71908
ISRAEL

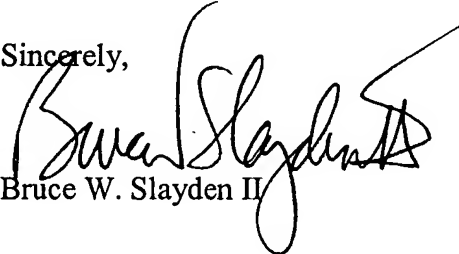
Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937
ETHERNET TRANSPORT OVER A TELEPHONE LINE
Our Ref.: 068758.0179
Your Ref.: S2388GC/aja

Dear Mr. Rubinstein:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by **March 28, 2005**. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by **March 28, 2005**, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,


Bruce W. Slayden II

BWS/tep

Enclosures

FedEx Shipping Form (Austin office)

DATE:

3/17/2005 1:51 pm

FROM:

Bruce Slayden

EMPLOYEE NO.:

04520

TO:

Avinoam Rubinstain

ADDRESS:

744 Nachal Kisson Street

IMPORTANT:

Use Street
Address ONLY -
cannot deliver to
P.O. Boxes

Macabim 71908

ISRAEL

PHONE:

5112.322.2519

RESIDENCE?

Yes ☐ No ☒

CLIENT NAME:

Infineon

MATTER NAME:

Patent

BILLING NO.:

068758.0179

DELIVERY PREFERENCES

- ☐ First Overnight (Earliest Next Business A.M.)
☐ Priority Overnight (Next Business Morning)
☐ Standard Overnight (Next Business Afternoon)
☐ 2nd Day (Second Business Day)
☐ Express Saver (Third Business Day)
☒ International (2-3 Business Days)
☐ Saturday Delivery

☐ Bill 3rd Party, Acct #

☐ Release Without Signature

Thornhill, Kerry

From: Garbade, Crystle
Sent: Thursday, March 24, 2005 10:41 AM
To: Thornhill, Kerry
Subject: FW: FedEx shipment 791576161599

another one?

-----Original Message-----

From: FedEx [mailto:donotreply@fedex.com]
Sent: Sunday, March 20, 2005 11:38 AM
To: crystle.garbade@bakerbotts.com
Subject: FedEx shipment 791576161599



Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P to Avinoam Rubinstain has been delivered.

The package was delivered on 03/20/2005 at 4:36 PM and signed for or released by E.RUBINSSTEIN.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 791576161599.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791576161599
&action=track&language=english&cntry_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791576161599&action=track&language=english&cntry_code=us)

Disclaimer

FedEx has not validated the authenticity of any email address.

Thornhill, Kerry

From: Thornhill, Kerry
Sent: Thursday, March 17, 2005 1:49 PM
To: 'Avinoam_Rubinstain@atrica.com'
Subject: FW: US Patent Application 10/797,937

Importance: High

Re: U.S. Continuation-in-Part Patent Application Serial No. 10/797,937
ETHERNET TRANSPORT OVER A TELEPHONE LINE
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)
Our Reference: 068758.0179
Your Reference: S2388GC/aja

Mr. Rubinstain:

On behalf of Bruce Slayden I am forwarding to you the above-identified patent application, drawings, Assignment and Declaration documents for your execution. Also attached is a letter from Mr. Slayden regarding the same. Please sign and date the Assignment and Declaration documents where indicated and return them to Mr. Slayden via facsimile to 512.322.8355 by **March 28, 2005**.

Please feel free to contact us with any questions you may have regarding this matter.



10-797937
Letter.pdf (36 KB)



10-797937
Assignment.pdf (78 K)



10-797937
Declaration.pdf (120.



10-797937
Application.pdf (1 M.

Kerry Thornhill

Intellectual Property Legal Secretary
Baker Botts L.L.P.
1500 San Jacinto Center
98 San Jacinto Boulevard
Austin, TX 78701-4039
512.322.2519
512.322.2501 fax

**** PRIVILEGED AND CONFIDENTIAL ****

NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged and intended only for the use of the addressee. The term 'privileged and confidential' includes, without limitation, attorney-client privileged communications, attorney work product, trade secrets, and any other proprietary information. In transmitting this communication, the sender does not waive any claim to privilege or confidentiality. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone at 512.322.2500 and destroy the original transmission and its attachments without reading or saving in any manner.

Thornhill, Kerry

From: Mail Delivery Subsystem [MAILER-DAEMON@bakerbotts.com]
Sent: Thursday, March 17, 2005 1:51 PM
To: kerry.thornhill@bakerbotts.com
Subject: Return receipt



ATT25034.TXT (408 ATT25035.TXT (1
B) KB)

The original message was received at Thu, 17 Mar 2005 13:49:26 -
0600 from dalsweep02.bakerbotts.net [10.200.254.223]

----- The following addresses had successful delivery notifications -----
<Avinoam_Rubinstain@atrica.com> (relayed to non-DSN-aware mailer)

----- Transcript of session follows ----- <Avinoam_Rubinstain@atrica.com>... relayed;
expect no further notifications

BAKER BOTTS LLP

1500 SAN JACINTO CENTER
98 SAN JACINTO BLVD.
AUSTIN, TEXAS
78701-4287
512.322.2500
FAX 512.322.2501

AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTON

March 17, 2005

VIA FEDEX

Bruce W. Slayden II
512.322.2606
FAX 512.322.8306
bruce.slayden@bakerbotts.com

Mr. Avinoam Rubinstain
Atrica Israel Ltd.
5 Shenkar Street, P.O.B. 12231
Hertzeliya Industrial Area 46733
ISRAEL

Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937
ETHERNET TRANSPORT OVER A TELEPHONE LINE
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)
Our Ref.: 068758.0179
Your Ref.: S2388GC/aja

Dear Mr. Rubinstain:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by **March 28, 2005**. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by **March 28, 2005**, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,


Bruce W. Slayden II

BWS/tep

Enclosures

FedEx Shipping Form (Austin Office)

DATE:

3/17/2005 1:51 pm

FROM:

Bruce Slayden

EMPLOYEE NO.:

04520

TO:

Avinoam Rubinstain

ADDRESS:

Atrica Israel Ltd.

IMPORTANT:
Use Street
Address ONLY -
cannot deliver to
P.O. Boxes

5 Shenkar Street

Hertziya Industrial Area 46733

ISRAEL

PHONE:

011-972-9-9707222

RESIDENCE?

Yes ☐

No ☒

CLIENT NAME:

Infineon

MATTER NAME:

Patent

BILLING NO.:

068758.0179

DELIVERY PREFERENCES

- ☐ First Overnight (Earliest Next Business A.M.)
- ☐ Priority Overnight (Next Business Morning)
- ☐ Standard Overnight (Next Business Afternoon)
- ☐ 2nd Day (Second Business Day)
- ☐ Express Saver (Third Business Day)
- ☒ International (2-3 Business Days)
- ☐ Saturday Delivery

☐ Bill 3rd Party, Acct #

☐ Release Without Signature

Thornhill, Kerry

From: Garbade, Crystle
Sent: Thursday, March 24, 2005 10:41 AM
To: Thornhill, Kerry
Subject: FW: FedEx shipment 792873694589

is this one?

-----Original Message-----

From: FedEx [mailto:donotreply@fedex.com]
Sent: Sunday, March 20, 2005 11:57 AM
To: crystle.garbade@bakerbotts.com
Subject: FedEx shipment 792873694589



Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P to Avinoam Rubinstain has been delivered.

The package was delivered on 03/20/2005 at 12:30 PM and signed for or released by S.ADI.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 792873694589.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=792873694589
&action=track&language=english&cntry_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=792873694589&action=track&language=english&cntry_code=us)

Disclaimer

FedEx has not validated the authenticity of any email address.

BAKER BOTTS LLP

1500 SAN JACINTO CENTER
98 SAN JACINTO BLVD.
AUSTIN, TEXAS
78701-4287
512.322.2500
FAX 512.322.2501

AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
MOSCOW
NEW YORK
RIYADH
WASHINGTON

March 17, 2005

VIA FEDEX

Bruce W. Slayden II
512.322.2606
FAX 512.322.8306
bruce.slayden@bakerbotts.com

Mr. Yackov Sfadya
3/6 Sigalit Street
Kfar-Saba 44414
ISRAEL

Re: U.S. Continuation in Part Patent Application Serial No. 10/797,937
ETHERNET TRANSPORT OVER A TELEPHONE LINE
(U.S. Patent Publication No. US 2005/0047497 A1 Dated March 3, 2005)
Our Ref.: 068758.0179
Your Ref.: S2388GC/aja

Dear Mr. Sfadya:

Enclosed please find a copy of the entire application, description, claims and drawings that were filed with the U.S. Patent and Trademark Office on March 11, 2004 in the above-referenced matter. Also enclosed, please find an Assignment and Declaration and Power of Attorney forms to be executed by you and returned to us by **March 28, 2005**. Please send the executed Assignment and Declaration and Power of Attorney to us, via facsimile number 512.322.8355, by **March 28, 2005**, so that we may timely file these documents with the U.S. Patent and Trademark Office.

Please do not hesitate to contact us with any questions. We appreciate your prompt attention to this matter.

Sincerely,


Bruce W. Slayden II

BWS/tep

Enclosures

FedEx Shipping Form (Austin office)

DATE:

3/17/2005 1:51 pm

FROM:

Bruce Slayden

EMPLOYEE NO.

04520

TO:

Yackov Sfadya

ADDRESS:

3/6 Sigalit Street

IMPORTANT:
Use Street
Address ONLY -
cannot deliver to
P.O. Boxes

Kfar-Saba 44414

ISRAEL

PHONE:

512.322.2519

RESIDENCE?

Yes ☐ No ☒

CLIENT NAME:

Infineon

MATTER NAME:

Patent

BILLING NO.:

068758.0179

DELIVERY PREFERENCES

- ☐ First Overnight (Earliest Next Business A.M.)
☐ Priority Overnight (Next Business Morning)
☐ Standard Overnight (Next Business Afternoon)
☐ 2nd Day (Second Business Day)
☐ Express Saver (Third Business Day)
☒ International (2-3 Business Days)
☐ Saturday Delivery

☐ Bill 3rd Party, Acct #

☐ Release Without Signature

Thornhill, Kerry

From: Garbade, Crystle
Sent: Thursday, March 24, 2005 10:42 AM
To: Thornhill, Kerry
Subject: FW: FedEx shipment 791010564385

oh, how about one more!

-----Original Message-----

From: FedEx [mailto:donotreply@fedex.com]
Sent: Sunday, March 20, 2005 6:38 AM
To: crystle.garbade@bakerbotts.com
Subject: FedEx shipment 791010564385

Our records indicate that the shipment sent from Office Services/BAKER BOTTS L.L.P to Yackov Sfadya has been delivered.

The package was delivered on 03/20/2005 at 1:15 PM and signed for or released by X.YAKOV.

The ship date of the shipment was 03/17/2005.

The tracking number of this shipment was 791010564385.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791010564385
&action=track&language=english&cntry_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791010564385&action=track&language=english&cntry_code=us)

Disclaimer

FedEx has not validated the authenticity of any email address.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JIGJR: 01-05

Docketed 2-8-05 Attorney BWS
Case 068758.0179
Due Date 4-2-05 / 8-2-05
Action Renewed Petition
by Ja

Paper No: ____

ANDREAS GRUBERT
BAKER BOTTS L.L.P.
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON TX 77002-4995

COPY MAILED

FEB 02 2005

OFFICE OF PETITIONS

In re Application of
Rubinstein, et al.
Application No. 10/797,937
Filed: 11 March, 2004
Attorney Docket No. 068758.0179

:
:
:
:

ON PETITION

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47, filed on 8 November, 2004.

The petition is **DISMISSED**.

NOTES:

- (1) Any reply must include a renewed petition (and fee) must include a petition under 37 C.F.R. §1.47 and must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 C.F.R. §1.47";
- (2) Thereafter, there will be no further reconsideration of this matter.

RECEIVED

FEB - 8 2005

BAKER BOTTS LLP

BACKGROUND

The record indicates:

- the application was filed on 11 March, 2004, without, *inter alia*, a fully executed oath or declaration; and
- on 27 May, 2004, the Office mailed a Notice to File Missing Parts requiring that, *inter alia*, a fully signed oath/declaration (with surcharge) (or a petition under 37 C.F.R. §1.47 in its stead be filed as the reply);
- Petitioner Andreas H. Grubert (Limited Recognition Under 37 C.F.R. §10.9) filed on 8 November, 2004, the instant petition under 37 C.F.R. §1.47, which, while it provides an oath/declaration signed by the other co-inventors Messrs. Peleg, Alroy, Harpak and Porat for themselves and on behalf of Messrs. Avinoam Rubinstain (Mr. Rubinstain) and Yackov Sfadya (Mr. Sfadya), it fails to set forth within the petition the last known address of the non-signing inventors Mr. Rubinstain and Mr. Sfadya and fails to demonstrate transmittal of the entire application (description, claims, abstract, drawings) to Messrs. Rubinstain and Sfadya.

ANALYSIS

The regulations at 37 C.F.R. §1.47 provide in pertinent part:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

* * *

The regulations at 37 C.F.R. §1.63 provide in pertinent part:

§1.63 Oath or declaration.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;

(2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and

(3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Thus, not only must a copy of the entire application must be sent to the last known address of the non-signing inventor (or the estate representative) with a request that he/she sign the declaration for the patent application--and evidence of that transmittal submitted (a reasonable effort must be made to ascertain a current or last known address)--but also the petition (with fee) must state over the signature and registration number of the Petitioner the last known address (and, if appropriate, evidence of the due diligence effort ascertaining same).

Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented.

The declaration must set forth the inventor's residence, citizenship and post office address. An oath or declaration in compliance with 37 C.F.R. §§1.63 and 1.64 signed by the Rule 1.47 applicant is required.¹

CONCLUSION

Therefore, the instant petition must be and hereby is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents²
P.O. Box 1450
Alexandria, VA 22313-1450

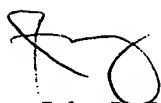
By FAX: (703) 872-9306 (IFW Formal Filings)
ATTN.: Office of Petitions

¹ See: MPEP 409.03(b).

² To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

To: Tracy E. Perez

Fax: 001-512 322 8355

Attached please find the declaration
document signed.

for Patent: Ethernet transport over A telephone line.

Ref: 068758.0179

yakov sfadya.

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; that I believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention or design entitled "**Ethernet Transport Over a Telephone Line**" the specification of which (check one):

_____ is attached hereto; or

 x was filed on March 11, 2004 as

Application Serial No.: 10/797,937

and was amended on _____ (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
---------------	----------------	-----------------------	--

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available

between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application</u> <u>Serial Number</u>	<u>Date</u> <u>Filed</u>	<u>Status</u>
09/322,072	05-27-99	Pending

I hereby appoint the following **at Customer No. 023640:**

Scott F. Partridge	Reg. No. 28,142
Jerry W. Mills	Reg. No. 23,005
Mitchell D. Lukin	Reg. No. 30,772
Bruce W. Slayden II	Reg. No. 33,790
Paul Katz	Reg. No. 35,917
Paul Morico	Reg. No. 35,960
Ronald Chichester	Reg. No. 36,765
R. William Beard, Jr.	Reg. No. 39,903
Ann C. Livingston	Reg. No. 32,479
Thomas R. Felger	Reg. No. 28,842
Roger J. Fulghum	Reg. No. 39,678

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Send Correspondence To:

Baker Botts L.L.P.
One Shell Plaza
910 Louisiana
Houston, Texas 77002-4995

Direct Telephone Calls To:

Andreas H. Grubert
at (713) 229-1964
Atty. Docket No. 068758.0179

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

ATTORNEY DOCKET NO.
068758.0179

PATENT

3

Full name of first inventor

Avinoam Rubinstain

Inventor's Signature

Date

Residence (City, County, State)

744 Nachal Kisson St.
Macabim, 71908 Israel

Citizenship

Israel

Post Office Address

744 Nachal Kisson St.
Macabim, 71908 Israel

Full name of second inventor

Yackov Sfadya

Inventor's Signature

Date

_____ April 10, 2005

Residence (City, County, State)

3/6 Sigalit St.
Kfar-Saba Israel

Citizenship

Israel

Post Office Address

3/6 Sigalit St.
Kfar-Saba Israel

4

Full name of third inventor

Shimon Peleg

Inventor's Signature

Date

Residence (City, County, State)

**11 Anchilevice St.
Hod Hasharon Israel**

Citizenship

Israel

Post Office Address

**11 Anchilevice St.
Hod Hasharon Israel**

Full name of fourth inventor

Noam Alroy

Inventor's Signature

Date

Residence (City, County, State)

**7 Bialik St.
Kadima Israel**

Citizenship

Israel

Post Office Address

**7 Bialik St.
Kadima Israel**

5

Full name of fifth inventor

Amnon Harpak

Inventor's Signature

Date

Residence (City, County, State)

**62 Moshe Dayan St.
Holon Israel**

Citizenship

Israel

Post Office Address

**62 Moshe Dayan St.
Holon Israel**

Full name of sixth inventor

Boaz Porat

Inventor's Signature

Date

Residence (City, County, State)

**93 Shimshon St.
Haifa Israel**

Citizenship

Israel

Post Office Address

**93 Shimshon St.
Haifa Israel**

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.